

REMARKS

This Reply is in response to the Office Action mailed on August 22, 2008 in which claims 1-9, 11-27, 50-51 and 53-55 were rejected. With this response, a declaration under 37 CFR 1.131 is submitted. Claims 1-9, 11-27, 50-51 and 53-55 are presented for reconsideration and allowance.

I. Request for an Examination of Acknowledged Linking Claim 28

As seemingly acknowledged by the Examiner in a previous response by having to rely upon dependent claim 31 to support his restriction requirement, independent claim 28 is a generic linking claim. Since claim 28 has substantially all the claim limitations of claim 1, upon allowance of claim 1, the previous restriction requirement should be withdrawn and currently withdrawn claims 28-36, 38, 40-46 and 52 should be reinstated and allowed.

II. Rejection of Claims 10-25 and 38 under 35 USC 112, Second Paragraph

Claims 1, 2, 21 and 53-55

With respect to each of claims 1, 2, 21 and 53-55, the Examiner repeatedly asserts that there is no claimed relationship between the noted structures. This is not true.

A. Claim 1

With respect to claim 1, the Examiner asserted that there is no relationship between the structure and the print head.

However, in claim 1, the print head is recited as extending along a media path having a first width. The structure is recited as having an edge extending across a majority of the first width of the media path. Thus, the two recited elements are associated with one another via the media path.

B. Claim 2

With respect to claim 2, the Examiner asserts that there is no relationship between the ink recipient and the structure and the print head.

However, in claim 2, the ink recipient is recited as extending across the media path. Thus, the ink recipient is associated with the print head and the structure by means of the recited media path.

C. Claim 21

With respect to claim 21, the Examiner asserts that there is no relationship between Inc. receiving cavity and the print head and the structure.

However, claim 21 recites an ink receiving cavity. Claim 21 further recites that the first segment and the second segment (recited in claim 1) are separated by a channel having a tapered floor configured to drain collected ink to the ink receiving cavity. The first segment and the second segment are part of the recited structure which extends across a majority of the first width of the media path. The print head is recited as extending along the media path. Thus, each of the elements is associated with one another in the claim.

D. Claims 53-55

With respect to claims 53-55, the Examiner asserts that there is no relationship between the structure the print head.

However, in claim 53, the print head is recited as extending along a media path. The structure is recited if any across a majority of the media path. Thus to element are associated with one another.

In claim 54, the print head is recited as being along a media path. The structure is recited as having an edge extending across a majority of the media path. The ink recipient is recited as extending across the media path, wherein the structure is configured to elevate the medium above collected ink of the ink recipient. Thus, each element is associated with one another in the claim.

In claim 55, the print head is recited as extending along a media path. The structure is recited as having edge extending across the media path. The ink recipient is recited as extending across the media path. The landing is recited as attending opposite the structure.

Thus, each element is associated with one another in the claims. The law does not require that a physical structural connection be recited in the claims. If such were the case, many issued patents directed to general systems, optical systems, wireless networks and the like would all be invalid since all of the elements could not be claimed as being physically structurally connected to one another. In contrast to the assertion made by the Examiner, the claims do particularly point out and distinctly claim the subject matter of the invention and are in compliance with 35 USC 112, second paragraph. Accordingly, the rejection of each of claims 1, 2, 21 and 53-55 is without merit and should be withdrawn. The rejection of claims 3-9, 11-20, 22-36, 38, 40-46, and 50-52 which depend from such claims should be withdrawn for at least the same reasons.

III. Rejection of claims 1-6 and 12-14 based at least in part upon Nojima

Pages 3-5 rejected claims 1-6 and 12-14 under 35 USC 102(e) or under 35 USC 103(a) based upon Nojima et al. US Patent 696574. Applicants respectfully request that the rejection be withdrawn in light of the submitted declaration under 37 CFR 1.131.

IV. Conclusion

Claims 1-9, 11-36, 38, 40-46 and 50-55 remain pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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